

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

May 30, 2018

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Tiffany Brown, Assistant Attorney General
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Van Kagie, Investigator
Kurtis Hughes, Investigator
Mark Schaerrer, Investigator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Teresa Larsen, Investigator

COMMISSION MEMBERS PRESENT:

Lori Chapman, Chair
Cal Musselman, Vice Chair
Russell K. Booth, Commissioner
William Perry, Commissioner

GUESTS:

| | |
|-----------------|-----------------|
| Kreg Wagner | Leah Bryner |
| Kevin Swenson | Heather Swanger |
| Theodore Kanell | Bryce Sheldon |
| Shane Olson | Doug Spiers |
| Milt Taylor | Jacob McFee |
| Austin Binks | David O. Black |

The May 30, 2018 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Chapman conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from the April 18, 2018 meeting of the Commission as written. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes. The motion was approved.

PUBLIC COMMENT

Kreg Wagner requested that the Commission considers adding a space for an addendum number to all the state approved addendum forms. The Commission discussed this proposal. A motion was made and seconded to move forward with providing a space on each and all addendum forms for numbering. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes, Commissioner Perry; yes. The motion was approved.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported Allen McNeil has left the Division after almost nine months for a job in the private sector. The Division will be searching for a new Real Estate Analyst and will be interviewing tomorrow.

Director Stewart reported the Division met with a committee to brainstorm ideas for PSAs which the Division will produce. Director Stewart presented outlines of the PSA scripts to the Commission for their input. The Commission briefly discussed the scripts and provided some input and opinions.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported month of April the Division received 19 complaints; opened 32 cases; closed 7 cases; leaving 354 open cases. There are 19 cases assigned to the AG's office.

Stipulations for Review

J. Tom Wood
Scott J. Simonsen
Paul Wiseman
Doug K. Nielsen

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the statistics report a growth of 81 licensees. The growth is seemingly slower than has been seen in the past several months.

Mr. Fagergren reported the Division just finished the annual Caravan. He stated everything went well.

Mr. Fagergren discussed the troubling trend when an individual practices while a license is expired or inactive. Historically there have been many discussions on the penalties for a broker, including requiring the forfeiture of commission. Mr. Fagergren has noted that now there are monthly notifications on the status of agents, so there is no reason that the agents should be practicing. Mr. Fagergren is recommending the Division investigate brokers in these instances.

COMMISSION AND INDUSTRY ISSUES

In the interest of time, the Commission has postponed the discussion on the RAP Back fingerprinting.

Mr. Barney reported the rule changes which were approved by the Commission for filing is still waiting on administrative comments. He will report on the status of that filing before the next meeting.

Mr. Barney presented a licensing stipulation for review.

Stipulations for Review

Steven M. Arave

A brief recess was held from 10:04 a.m. until 10:17 a.m.

The meeting resumed at 10:17 a.m. for the Informal Hearing in the Matter of the Application of Austin Cornell Binks to Act as a Sales Agent with Chair Chapman presiding.

INFORMAL HEARING

10:17 a.m. Austin Cornell Binks – Respondent
 David O. Black, Counsel for Respondent
 Tiffany Brown, Counsel for Division
 Mark Fagergren, Witness for Division

The hearing for Mr. Binks concluded at 11:37 a.m.

A brief recess was held from 11:37 a.m. until 11:44 a.m.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 11:44 a.m. to 11:48 a.m.

OPEN TO PUBLIC

The meeting resumed at 11:48 a.m. for the Informal Hearing in the Matter of the Application of Bryce Sheldon to Act as a Sales Agent with Chair Chapman presiding.

INFORMAL HEARING

11:48 a.m. Bryce Sheldon – Respondent
Theodore Kanell, Counsel for Respondent
Tiffany Brown, Counsel for Division
Jacob McFee, Witness for Respondent
Shane Olsen, Witness for Respondent
Milt Taylor, Witness for Respondent
Mark Fagergren, Witness for Division

The hearing for Mr. Sheldon concluded at 2:15 p.m.

A brief recess was held from 2:16 p.m. until 2:24 p.m.

The meeting resumed at 2:24 p.m. for the Informal Hearing in the Matter of Dustin Staeffler, formerly licensed as a Sales Agent in the State of Utah, with Chair Chapman presiding. Mr. Staeffler was duly notified of this hearing and has failed to appear. The default hearing was held in his absence.

INFORMAL HEARING

2:24 p.m. Tiffany Brown, Counsel for Division
Sarah Nicholson, Witness for Respondent

The hearing for Mr. Staeffler concluded at 2:47 p.m.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 2:48 p.m. to 3:27 p.m.

OPEN TO PUBLIC

Results of Executive Session

J. Tom Wood – Approved with Division Concurrence
Scott J. Simonsen – Approved with Division Concurrence
Paul Wiseman – Approved with Division Concurrence
Doug K. Nielsen – Approved with Division Concurrence
Steven M. Arave – Approved with Division Concurrence

During executive session, the Commission also considered the licensing application for Adam Diamond for equivalent high school experience. His education was approved.

Mr. Sheldon, Mr. Binks, and Mr. Staeffler will be notified by mail of the Commission's decision.

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved. The meeting adjourned at 3:28 p.m.